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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1969

NO. 978

M. S. CHAMBLISS,
Petitioner,

v.

COCA-COLA BOTTLING COMPANY, ET AL.,
Respondents.

PETITION TO REHEAR

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PETITION TO REHEAR

Petitioner prays for a rehearing of the action denying the petition for certiorari in this cause.

The two intervening circumstances of substantial effect which petitioner presents are as follows:

In late February we received and noted 47 Federal Rules Decisions at page 73 et seq., where there is incorporated an address before the Fourth Judicial Circuit that was delivered July 3, 1968. It is there stated:

"The development of federally-based service for use in general federal question cases has been stunted by the

basic venue policy that until recently required venue to be laid in the district where all defendants reside. In a few specialized situations Congress has provided for service outside the state in which the District Court is held, usually coupling with this some provision for laying venue in some districts besides that of the defendant's residence. It is difficult to give high marks to these special Congressional provisions for extra-territorial service. The authority granted may fall short of meeting the enforcement duties of the agency for which the special provisions were made or fall short of providing adequate protection for the federal rights of private litigants."

Cited in a note on this page is *this very case* we are asking the Court to reconsider—Chambliss v. Coca-Cola, 274 F. Supp. 401, with the comment that it showed inadequate consideration of the broad venue created by Congress.

In the same volume at page 169 is an article on class suits. At page 184 the author, referring to Rule 23 as amended, says:

"There should be no problem with regard to the statute of limitations under the amended rule. Since the judgment is now binding on all class actions, commencement of the action should toll the statute of limitations for all members of the class."

Petitioner further prays that consideration of this petition be deferred for some time in order that the effect of the decision and opinion of the District Court in this case may be further evaluated by decisions and discussions, as in the authority above cited.

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Chattanooga, Tennessee 37402,
Attorney for Petitioner.

CERTIFICATE

I hereby certify that the foregoing petition to rehear is presented in good faith and not for delay, and that it is restricted to the above grounds relating to intervening circumstances of substantial and controlling effect.

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JOHN A. CHAMBLISS, JR.